

REMARKS***Summary of the Amendment***

Upon entry of the *Listing of Claims*, claims 16, 30 and 39 will have been amended and claim 18 will have been canceled without prejudice or disclaimer. Accordingly, claims 16, 19 – 27, and 29 – 40 will remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has rejected claim 16 based upon a formal matter and has rejected claims 16, 19 – 27 and 29 – 40 over the art of record. By the present amendment and remarks, Applicants submit that the rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claim 18 would be allowable if placed into independent form. By the instant amendment, Applicants have incorporated the features of claim 18 into independent claims 16 and 30. As such, Applicants respectfully submit that claims 16 and 30 (and their respective dependent claims) should be in condition for allowance.

Amendment Proper for Entry

Applicants submit that the entry of the above amendment is proper. Applicants submit that the entry of the amendment is proper, since such amendment places the application in condition for allowance or, alternatively, places the application in better form for appeal. No new claims are added. Applicants further submit that no new issues are raised requiring further search and/or consideration by the Examiner. Specifically, the features of previously presented

and allowable claim 18 have been incorporated into independent claims 16 and 30. Applicants note the features of claim 18 have already been searched and considered by the Examiner. Additionally, Applicants note that claim 39 is amended with the instant response to correct a minor grammatical error, and the amendment should not raise any new issues requiring further search and/or consideration.

Rejection Under 35 U.S.C. § 112, Second Paragraph, is Moot

By the present amendment, Applicants have amended claim 16 to address the formal matters raised by the Examiner in the pending Office Action. In particular, claim 16 has been amended to provide proper antecedent basis.

Accordingly, Applicants request that the Examiner reconsider and withdraw the formal rejection of claim 16 under 35 U.S.C. § 112, second paragraph, and indicate that this claim, and all other pending claims, is fully in compliance with the requirements of the statute.

Traversal of Rejection Under 35 U.S.C. § 103(a)

1. Over Meheen in view of Dekleva

Applicants traverse the Examiner's rejection of the rejection of claims 16, 19 and 29 under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,457,495 to Meheen [hereinafter "MEHEEN"] in view of US Patent Publication No. 2003/0232114 to Dekleva [hereinafter "DEKLEVA"].

While Applicants do not agree that a proper combination of the applied art under 35 U.S.C. § 103(a) renders obvious the embodiments of the invention recited in at least claims 16, 19 and 29, in an effort to advance prosecution, Applicants have amended claim 16 with the features of allowable claim 18. As such, Applicants respectfully submit the rejection of claims

16, 19 and 29 has been rendered moot. Further, Applicants expressly reserve the right to refile the subject of independent claim 16 as presented prior to this amendment in one or more continuing applications.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 16, 19 and 29 under 35 U.S.C. § 103(a) and indicate that these claims are allowable in the next official communication to the undersigned.

2. Over Cluesserath in view of Tsukano and Dekleva

Applicants traverse the rejection of claims 16, 19 – 24, 29 – 34, and 38 – 40 under 35 U.S.C. § 103(a) as being unpatentable over CLÜSSERATH et al. (U.S. Patent No. 6,474,368) [hereinafter “CLUESSERATH”] in view of TSUKANO et al. (U.S. Patent No. 6,308,752) [hereinafter “TSUKANO”] and DEKLEVA.

While Applicants do not agree that a proper combination of the applied art under 35 U.S.C. §103(a) renders obvious the embodiments of the invention recited in at least claims 16, 19 – 24, 29 – 34, and 38 – 40, in an effort to advance prosecution, Applicants have amended claim 16 with the features of allowable claim 18. As such, Applicants respectfully submit the rejection of claims 16, 19 – 24 and 29 has been rendered moot. Additionally, Applicants have amended claim 30 with the features of allowable claim 18 (with some modifications for antecedent basis reasons). As such, Applicants respectfully submit that claim 30 (and claims 31 – 34, and 38 – 40, which depend therefrom) should also be in condition for allowance. Further, Applicants expressly reserve the right to refile the subject of independent claims 16 and 30 as presented prior to this amendment in one or more continuing applications.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 16, 19 – 24, 29 – 34, and 38 – 40 under 35 U.S.C. § 103(a) and indicate that these claims are allowable in the next official communication to the undersigned.

3. Over Meheen in view of Dekleva and Quinn

Traverse the rejection of claims 25 – 27 under 35 U.S.C. § 103(a) as being unpatentable over MEHEEN in view of DEKLEVA and QUINN (U.S. Patent No. 5,131,440) [hereinafter “QUINN”].

Applicants submit that claims 25 – 27 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 25 – 27 under 35 U.S.C. § 103(a) and indicate that these claims are allowable in the next official communication to the undersigned.

4. Over Cluesserath in view of Tsukano and Dekleva and further in view of Berthurum

Traverse the rejection of claims 35 and 36 under 35 U.S.C. § 103(a) as being unpatentable over CLUESSERATH in view of TSUKANO and DEKLEVA and further in view of BETHURUM (U.S. Patent No. 4,120,425).

Applicants submit that claims 35 and 36 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 35 and 36 under 35 U.S.C. § 103(a) and indicate that these claims are allowable in the next official communication to the undersigned.

5. Over Cluesserath in view of Tsukano and Dekleva and further in view of Quinn

Traverse the rejection of claim 37 under 35 U.S.C. § 103(a) as being unpatentable over CLUESSERATH in view of TSUKANO and DEKLEVA and further in view of QUINN (U.S. Patent No. 5,131,440).

Applicants submit that claim 37 is allowable at least for the reason that it depends from an allowable base claim and because it recites additional features that further define the present invention. Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claim 37 under 35 U.S.C. § 103(a) and indicate that this claim is allowable in the next official communication to the undersigned.

Authorization to Charge Deposit Account

If for any reason a check including the amount for any necessary fees is not associated with this file, the undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 16, 19 – 27, and 29 – 40. The applied reference of record has been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
Thomas STADLMAYER et al.



Neil F. Greenblum
Reg. No. 28,394

Robert W. Richter
Reg. No. 35,043

GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191